App F. IX-4

Previous References. 1944 (Legis) File No. 32-43
Serial Nos. 1

Later Referen

32

GENERAL AND REVENUE SECRETARIAT

Serial Nos.

Part B for January 1944

SUBJECT

The Mysore Subversive Activities Act, 1941

To The comptroller, Mysore Gazette
R.L 516 - Legis 32-43-1 dated 26th January 1944
Notifies the publication of the Act as
Act No III of 1944

0189/44

Co inuation Sheet. File No. / Current No. 235/M. of Page. 3387 p

The Subversive Activities Ordinance 1943.

from The Secy to the Hon'ble the Revenue
No F. 79(4) 42/M d 4th Nov. 43 inviting
attention to the Subversive Activities Ordinance
and the Prisoners of War (Temporary Employment)
Ordinance and stating that the H. E. the Crown
Representative wishes that an Ordinance similar in
effect to the Subversive Activities Ordinance, may
be enacted in the Mysore State.

I submit for perusal & approval
the question may be examined in the Law Dept.

5/11

(Min Edn) 2 WP 5/11/43

3) 6/11

Secy Law w/comps

WP 6/11/43.

Law 6-11-43

4) The Ordinance (XXXIV of 1943) may be promulgated in the State as an Emergency Act, with suitable modifications as indicated therein.

BR 8/11/43

5) This may be sent to the Legislation Section for putting up a draft suitable to Mysore.

8.11.43

WD 0972—GPB—10,000—21-10-42

Law Secy

Addl Secy Legis D.O.

9-11-43

Mr IV 11/11

BR 10.11.43

11-11-43

6.11.43 2685

2816. 5.11.43

SECY. LAW DEPT 4405 6 NOV 1943 GOVT OF MYSORE

L.D.R. 62 8.11.43

SECY. LAW DEPT L.D. 13 GOVT OF MYSORE

b) A draft Bill is submitted for consideration

2N 15/11/43 Please put up typed draft as revised. Early.

GBR 15/11/43

DAS 15/11/43

7) A typed copy of the draft as revised is put up in the file

2N 16/11/43 GBR 16/11/43

9) A draft Bill on the lines of the British Indian Ordinance is put up.

Two points arise for consideration and are submitted for orders.

1. Whether the Act could issue as legislation on an excluded head under section 30 of the Govt. of India Act. or if otherwise how can it be legislated. As the measure is intended to penalise interference with Military forces it may be construed as treating of an excluded subject and perhaps promulgated under section 30.

I am afraid that this does not relate to any of the excluded subjects specified in section 29.

BKR (6.11.43)

2. The extent and application of this Act: In the British Indian ordinance this is treated under three Categories.

1. It extends to the whole British India and it a certain extraterritorial application is also provided for. It is made applicable to British subjects in any part of India and

A similar provision could perhaps be made in the Bill applying it to subjects of His Highness the Maharaja.

I agree BKR (6.11.43)

2. A third Category is provided for in 1 (2) (d) of the ordinance by which its provisions apply to persons attached to or following forces raised in British India, wherever they may be. A similar provision is also included in the draft Bill put up and is for orders.

The provision necessary and may remain BKR (6.11.43)

if it may remain

The Subversive Activities Bill

Continuation Sheet. File No. Current No. 235 [illegible] of Page.

10) In other respects the Bill follows the British Indian Ordinance.

Secy (R.A.Le) 16-11-43

BXR 16.11.43

Law Secy 16-11-43

11) It can issue as an emergency Act under S 31 of the Govt of Mysore Act

12) The draft is alright & may be submitted

Chief Secy 17-11-43

BXR 17.11.43

17-11-43

For appl.

Min Edn
Min R&L
& Dewan

13) may be brought under excluded category - Section 29(c) of the Govt of Mysore Act.

UO 24/11/43

14) RLA 3/12

Law Secy Cr. Cs.

15) 4/12/43

6-12-43

BXR 6.12.43

16) This is a Council matter.

Secy (R.L.) 6.12.43

BXR 6.12.43

Law Secy

7

SECY. LAW DEPT. 4 P M 17 NOV 1943 GOVT OF MYSORE

3633. 18 NOV 1943 MYSORE

24.11.43 3174

OFFICE OF THE MINISTER FOR REVENUE & LAW 2 - DEC 1943 No. 3243

OFFICE 3 DEC 1943 No. 3250

SECY. LAW DEPT. 5614 1943 GOVT MYSORE

Subject Need

17) SI cannot be changed
Under S. 29 - SI will have
to issue under S 31.

18) May be authorised
by circulation

Cdr
7.12.43

DEWAN'S OFFICE
7 DEC. 1943
NO 3282

4778
8 DEC. 1943

BKR
7.12.43

19) Nil
8/12/43

Cdr
8.12.43

Chief Secy
27/12

BKR
8-12-43

C. B. circulated
WD
8.12

20)
Cir Members Secd

8/Dec.

PM 12
8-12-43

235/M.

For Disposal by Circulation.

No. C. 476

..... 1943.44

GENERAL AND REVENUE SECRETARIAT

Council Matter

Subject

The Mysore Subversive Activities Act - 1943.

Circulated to the Council of Ministers.

By Order,

M. Venkatagiri Rao
Chief Secretary to Government.

8th December 194 3.

3373/9.12.43. **Minister for Revenue and Law.**

3618/10/12 **Minister for Public Works.** 11.12.43

3830/13.12.43 **Minister for Local Self-Government and Public Health.** 13.12.43.

3298/14.12.43. **Minister for Industries and ~~Commerce~~ Supplies.** 16/12

3776/17/12 **Minister for Education.** 17/12

Lawsecy 17-12-43

WD 02720—GPB—500—24-4-43

MDV.

DFA 18.12.43

The Subversive Activities Bill 1943

Continuation Sheet. File No. 235/N' of Page.
Current No.

DEWAN'S OFFICE
10. JAN 1944
No. 3936

SECY. LAW DEPT. 6052 1943 GOVT OF MYSORE

OFFICE OF THE ... FOR LEGISLATION
Date 22/12/43
No. 3515

A D.F.N. is submitted for approval
Typed draft as revised
18-12-43 BVN 18/12
20.12.43

A typed copy of the Revised draft is put up herewith
20-12-43 BVN 20/12
D.F.N. is for Consideration
Law Secy) 21.12.43

Submitted
21-12-43
22.12.43

3/1/44

I have since discussed this with the Dewan & he is agreeable that the emergency Bill may be issued under Section 29(c) of the Govt of Mysore Act - Even in that case, as drafted & amended, it is stated that it will be promulgated under Section 30 of the Act

8/1/44

D.F.N. in duplicate is placed on file
8/1/44

Submitted
10-1-44

Dewan

10.1.44

Final Note by the Minister for Education

Subject— The Mysore Subversive Activi

On the 16th October 1943, the s s
Ordinance was promulgated in British Indi n sub-
versive activities directed against the s 's naval,
military or air forces. Provision has a at ordi-
nance for enhanced penalties for certain e State
and the Army, the Navy and the Air forces

The Residency have intimated th he Crown
Representative desires that action may be promul-
gate a similar measure.

A draft Bill has been accordingl ines of the British Indian Ordinance. It is proposed to promulgate the measure under section 30 of the Government of Mysore Act, the subject matter being treated as falling under clause (c) of section 29 of that Act.

The Dewan and the other Ministers are agreeable to the above proposal. I solicit the gracious sanction of His Highness thereto.

Bangalore,
Dated, 8th January 1944.

Minister for Education.

Submitted to His Highness.

I submit herewith a Final Note by the Minister for Education on the subject of the proposal to promulgate the Mysore Subversive Activities Act, 1943, for His Highness's gracious approval.

N. Madhava Rau

DEWAN.

Bangalore,

10th January 1944.

Record of Cases submitted for the Orders of His Highness the Maharaja.

Subject.

Proposal to promulgate the Mysore Subversive Activities Act, 1943, into law.

No.512

Order.

12/1/'44.

Chief Sec
Secy
14/1/44
15/1/44

General and Revenue

Secretariat.

C 566

SUBJECT:—

Proposal to promulgate the Mysore Subversive Activities Act, 1943, into law.

(*)

14. All urgent or confidential files returned with His Highness' orders may, in the absence of instructions or indications to the contrary, be ordinarily circulated to the Ministers for perusal after the issue of orders.

16. The Secretaries concerned should see that orders in the cases referred to above are issued at once and that the files are returned immediately after, to the Chief Secretary for circulation to the Ministers.

17. In all other cases, the files will first be circulated to the Ministers at Headquarters and then sent to the Secretariat concerned for the issue of orders.

Circulated to Council of Ministers for perusal of His Highness' orders before/after issue of orders. (*Vide* Rules 14, 16 and 17 of the Subsidiary Rules of the Mysore Government Business Rules.) (*)

Vedamyarachary
Chief Secretary to Government.
15/1/44

Through the Secretary to Government,

L. & W. Department.

17.1.44

Minister for Revenue and Law. 22-1

4428 / 17/1

Minister for Public Works. 17.1.

4618 / 17.1.44

Minister for Local Self-Govt. and Public Health. 18.1.66

3975 / 18-1-44

Minister for Industries and Supplies.

4554 / 24/1/44

Minister for Education. 24/1/44

Lawsecy ept

WD 24/1/44

NOTE.—Contn. sheet

WD 0718—GPB—1,000—11-9-42

NCM

11-1-44

The Mysore Subversive Activities Act 1944

Continuation Sheet. File No. / Current No. 235-RL of ge.

The gracious assent of His Highness was accorded on the 12th January 1944 to promulgate the Bill into Law.

A draft G.O. directing the publication of the Act as Act No III of 1944 is submitted for approval

25/1/44 BVN 25/1

May be approved

BKR 25.1.44

Law Secy)

Govt 26-1-44

Secretary

BKR 26.1.44

To the compiler Mysore Gazette

No RL 516 - Legis 32-43-1 dated 26th Jan 1944 orders the publication of the Act in the Gazette

Govt 8.3.44

The Residency has to be intimated that the Act has issued as desired by the Crown Representative (vide Resy. Letter d. 4.1.43). Draft may be put up immediately. Copy of Act may also be sent.

Govt 8.3.44.

Spare copies of the Act have not yet been received from the press, and they have been requested to send copies immediately

In the meanwhile, it is for orders if a typed copy of the Act may be sent to the Residency.

Please get some copies by monday at least Govt

10/3/44 BVN 10/3

The matter has been delayed. The Press may be requested to send the Copies urgently and draft forwarded may be put up thereafter.

Govt 10.3.44

The Mysore Subversive Activities Act 1944.

Continuation Sheet. File No. 235/M Current No. of Page.

Subd

The prints have sent up are copies of the Act to-day

A draft forwarding two copies of the Act to the Residency is put up for approval

2N 27/3/44 BRM 27/3

Typed draft as usual, please

28.3.44

A typed copy of the revised draft is herewith put up

2N 28/3/44 BRM 28/3

Draft is for approval

Secy (R.A.L.)

28.3.44

DSME

BKR 28-3-44

To The Secretary to the Hon'ble the Resident in Mysore

No. ... dated 29th March 1944

Forwards two copies of the Act

The file will be recorded if approved

2N 31/3/44 BRM 3/8

3/8

Action has been taken separately to recommend the press for sending spare copies of Acts.

2N 29/3/44

A

2N 31/3/44

1080
W

No.F.79(4)-42/W.

From

The Secretary to the Hon'ble the Resident in Mysore.

To

The Chief Secretary to the Government of
His Highness the Maharaja of Mysore, Bangalore.

War

Bangalore, the 4th November 1943.

W The Subversive Activities Ordinance, 1943 - Ordinance No.XXXIV of 1943. The Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943 - Ordinance No.XXXVI of 1943.

.....

Sir,

I am directed to invite attention to the abovementioned Ordinances, published in the Gazette of India, Extraordinary dated the 16th October 1943, and to state that His Excellency the Crown Representative wishes

that,

that, if there is no objection, an Ordinance similar in effect to Ordinance No.XXXIV of 1943 should be enacted in the Mysore State.

2. I am to request that the action taken may kindly be intimated to this Residency.

I have the honour to be,
Sir,
Your most obedient servant,

SECRETARY TO THE RESIDENT.

REGISTERED No. L. 3131

The Gazette of India

EXTRAORDINARY

PUBLISHED BY AUTHORITY

NEW DELHI, SATURDAY, OCTOBER 16, 1943

GOVERNMENT OF INDIA

LEGISLATIVE DEPARTMENT

New Delhi, the 16th October, 1943

ORDINANCE No. XXXIV OF 1943.

AN

ORDINANCE

to provide more effective punishment for certain subversive activities directed against the State or His Majesty's naval, military or air forces.

WHEREAS an emergency has arisen which makes it necessary to provide more effective punishment for certain subversive activities directed against the State or His Majesty's naval, military or air forces;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2) the Governor General is pleased to make and promulgate the following Ordinance:—

1. *Short title, extent, application and commencement.*—(1) This Ordinance may be called the Subversive Activities Ordinance, 1943.

(2) It extends to the whole of British India, and it applies also—

(a) to British subjects and servants of the Crown in any part of India;

(b) to British subjects who are domiciled in any part of India wherever they may be;

(c) in respect of the regulation and discipline of any naval, military or air force raised in British India, to members of, and persons attached to, employed with or following, that force, wherever they may be; and

(d) to, and to persons on, ships and aircraft registered in British India wherever they may be.

(3) It shall come into force at once.

2. *Interpretation.*—In this Ordinance—

(a) "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(b) "subversive act" means any act which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty's naval, military or air forces, or to induce or influence any member of His Majesty's naval, military or air forces to fail in the performance of his duties as such, or to render any member of His Majesty's naval, military or air forces incapable of efficiently performing his duties as such.

(c) "subversive matter" means any matter, whether expressed in words, spoken or written or in signs or visible representations or in any other manner whatsoever, which is intended or is likely to cause disaffection among, or to prejudice,

prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty's naval, military or air forces, or to induce or influence any member of His Majesty's naval, military or air forces to fail in the performance of his duties as such, or which is an incitement to the commission of a subversive act.

3. *Subversive acts and uttering, and making, publishing, etc., document containing, subversive matter.*—Whoever—

(*a*) does any subversive act, or

(*b*) without lawful authority or excuse utters, or makes prints, publishes, distributes or spreads by any means whatsoever any document containing any subversive matter,

shall be punishable with transportation for life or with imprisonment for a term which may extend to ten years and shall also be liable to fine.

4. *Possession of document containing subversive matter.*—(*1*) Whoever without lawful authority or excuse has in his possession any document containing any subversive matter shall be punishable with imprisonment for a term which may extend to ten years and shall also be liable to fine.

(*2*) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any subversive matter shall, unless he proves that he did not know and had no reason to suspect that the said document contained any subversive matter, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this section.

5. *Enhancement of penalty for certain offences punishable under the Indian Penal Code.*—Whoever commits an offence punishable under section 121A or section 122 or section 123 or section 131 of the Indian Penal Code (XLV of 1860) may, in lieu of any punishment to which he is liable under the said Code, be punished with death.

as in force in Malta

LINLITHGOW,

Viceroy and Governor General.

ORDINANCE No. XXXV OF 1943.

AN

ORDINANCE

to provide for the prevention of hoarding and profiteering.

WHEREAS an emergency has arisen which makes it necessary to provide for the prevention of hoarding and profiteering ;

NOW, THEREFORE, in exercise of the powers conferred by Section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. *Short title, extent and commencement.*—(*1*) This Ordinance may be called the Hoarding and Profiteering Prevention Ordinance, 1943.

(*2*) It extends to the whole of British India.

(*3*) It shall come into force at once.

2. *Interpretation.*—In this Ordinance, unless there is anything repugnant in the subject or context,—

(*a*) "article" includes any article or thing, except foodgrains, which has not by notification in the official Gazette, been declared by the Central Government to be an article or thing to which this Ordinance does not apply ;

(*b*) " dealer " means a person carrying on the business of selling any article, whether wholesale or retail ;

(*c*) " Controller General " means the Controller General of Civil Supplies appointed by the Central Government and includes the Deputy Controller General or Assistant Controller General of Civil Supplies so appointed ;

(*d*) " inspector " means an inspector appointed for the purposes of this Ordinance by the Central or by the Provincial Government ;

(*e*) " producer " includes a manufacturer ;

(*f*) an article shall be deemed to be in the possession of a person—

(*i*) when it is held on behalf of that person by another person ;

(*ii*) notwithstanding that it is mortgaged to another person.

3. *Fixing of maximum quantities which may be held or sold and maximum prices.*—(*1*) The Central Government may, by notification in the official Gazette, fix in respect of any article—

(*a*) the maximum quantity which may at any one time be possessed by a dealer or producer ;

(*b*) the maximum quantity which may in any one transaction be sold to any person ;

(*c*) the maximum price or rate which may be charged by a dealer or producer.

(*2*) The quantities and prices or rates fixed in respect of any article under this section may be different in different localities.

4. *Restrictions on possession and sale by dealers and producers where maximum is fixed under section 3.*—No dealer or producer shall—

(*a*) have in his possession at any one time a quantity of any article exceeding the maximum fixed by notification under clause (*a*) of sub-section (*1*) of section 3 ; or

(*b*) sell or offer for sale to any person in any one transaction a quantity of any article exceeding the maximum fixed by notification under clause (*b*) of sub-section (*1*) of section 3 ; or

(*c*) sell or offer for sale to any person any article for a price or at a rate exceeding the maximum fixed by notification under clause (*c*) of sub-section (*1*) of section 3.

5. *Restrictions on possession by dealers or producers where no maximum is fixed under section 3.*—Where no maximum has been fixed by notification under clause (*a*) of sub-section (*1*) of section 3,—

(*a*) no dealer shall have in his possession at any one time a quantity of any article exceeding one-quarter of the total quantity of that article held by him in the course of the year 1939, or as the case may be, exceeding the quantity which the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may intimate to him as the maximum quantity of that article which he may have in his possession at any one time ; and

(*b*) no producer shall have in his possession at any one time a quantity of any article exceeding one-quarter of his total production of that article during that one of the three years 1940, 1941 and 1942 in which his production was greatest, or, as the case may be, exceeding the quantity which the Controller General or other officer empowered in this behalf by the Central or the Provincial Government may intimate to him as the maximum quantity of that article which he may have in his possession at any one time.

6. *Restriction on price where no maximum is fixed under section 3.*—(*1*) Where no maximum has been fixed by notification under clause (*c*) of sub-section (*1*) of section 3, no dealer or producer shall sell or offer for sale or otherwise dispose of an article for a consideration which is unreasonable.

(*2*) For the purposes of this section a consideration is unreasonable if, whether it is exclusively in money or not, it exceeds the amount represented by an addition of twenty per cent. or the addition allowed by normal trade practice whichever is less to—

(*a*) the cost landed of the article in the case of an imported article,

(*b*) the cost of production of the article in the case of an article which is not imported,

or if as a condition of sale the purchaser is required to purchase at the same time any other article.

(*3*) The Controller General may, by order published in the official Gazette, vary in respect of any specified article or class of articles the figure of twenty per cent. referred to in sub-section (*2*), and if he does so that sub-section shall have effect accordingly.

7. *General limitation on quantity to be possessed at one time.*—(*1*) No person shall have in his possession at any one time a greater quantity of any article to which this section applies than the quantity necessary for the reasonable needs of himself and his family for a period of three months or such longer period as may for special reasons in his particular circumstances be considered a reasonable period for which to make provision.

(*2*) For the purposes of sub-section (*1*), the expression "reasonable needs" includes the fulfilment of social or religious or other customary obligations.

(*3*) Nothing in this section shall apply to a dealer or producer in respect of any article sold by or produced by him.

(*4*) This section shall apply only to such articles as the Controller General may by order published in the official Gazette specify for the purpose.

8. *Duty to declare possession of excess stocks.*—Any person having in his possession a quantity of any article exceeding that permitted by or under this Ordinance shall forthwith report the fact to the Controller General or other officer empowered in this behalf by the Central or the Provincial Government, and shall take such action as to the storage, distribution or disposal of the excess quantity as the Controller General or such officer may direct.

9. *Refusal to sell.*—No dealer or producer shall, unless previously authorised to do so by the Controller General or other officer empowered in this behalf by the Central or the Provincial Government, without sufficient cause refuse to sell to any person any article within the limits as to quantity imposed by this Ordinance.

Explanation.—The possibility or expectation of obtaining a higher price for an article at a later date shall not be deemed to be a sufficient cause for the purposes of this section.

10. *Cash memorandum to be given of certain sales.*—(*1*) Every dealer or producer when selling any article for cash shall, if the amount of the purchase is ten rupees or more, in all cases, and, if the amount of the purchase is less than ten rupees, when so requested by the purchaser, give to the purchaser a cash memorandum containing particulars of the transaction.

(*2*) The Central Government may, by notification in the official Gazette, prescribe the particulars to be contained in any such cash memorandum.

(*3*) The Central Government or the Provincial Government may, by notification in the official Gazette, exempt specific areas, classes of dealers or producers, or commodities from the operation of this section.

11. *Marking of prices and exhibiting price list.*—(*1*) The Controller General may direct any dealer or producer to mark articles exposed or intended for sale with the sale prices or to exhibit on his premises a price list of articles held by him for sale, and may further give directions as to the manner in which any such direction as aforesaid is to be carried out.

(*2*) No dealer shall destroy, efface or alter any label or mark affixed to an article and indicating the price marked by a producer.

12. *Powers of Controller General, Inspectors, etc.*—(*1*) The Controller General or an inspector or an officer empowered in this behalf by the Central or the Provincial Government may—

(*a*) direct a dealer or producer to maintain records of all sale and purchase transactions;

(*b*) direct a dealer or producer to furnish any information he may require as to the business carried on by such dealer or producer,

(*c*) direct a dealer or producer to furnish any information possessed by such dealer or producer as to the business carried on by any other person ;

(*d*) inspect or cause to be inspected any books or other documents belonging to or under the control of any dealer or producer ;

(*e*) enter and search or authorise any person not below the status of a gazetted officer to enter and search any premises ;

(*f*) seize or authorise the seizure of any article in respect of which he suspects that an offence under this Ordinance has been committed, and thereafter take or authorise the taking of all measures necessary for securing the production of the article in a Court.

(*2*) The Controller General may, by order published in the official Gazette, issue to all dealers or producers of a specified class a direction such as is referred to in clause (*a*) or clause (*b*) of sub-section (*1*).

13. *Penalties.*—(*1*) Whoever contravenes any of the provisions of this Ordinance shall be punishable with imprisonment for a term which may extend to five years, or with fine or with both.

(*2*) Whoever fails to comply with any direction made under authority conferred by this Ordinance shall be punishable with imprisonment for a term which may extend to three years, or with fine or with both.

(*3*) A Court convicting any person of an offence punishable under this Ordinance may order any article, in respect of which the offence was committed, to be forfeited to His Majesty.

14. *Procedure.*—No prosecution for any offence punishable under this Ordinance shall be instituted except with the previous sanction of the Central or the Provincial Government, or of an officer not below the rank of a District Magistrate empowered by the Central or the Provincial Government to grant such sanction.

15. *Certain officers to be deemed public servants.*—The Controller General, an inspector and any officer empowered for the purposes of section 5, 8, 9 or 12 by the Central or the Provincial Government shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code (XLV of 1860).

16. *Bar of legal proceedings.*—No suit, prosecution or other legal proceeding shall lie against any person for anything done or in good faith intended to be done under this Ordinance.

17. *Saving of other laws.*—The provisions of this Ordinance shall be in addition to and not in derogation of any other law for the time being in force regulating the keeping, storage, distribution, disposal, or price of articles.

LINLITHGOW,
Viceroy and Governor General.

ORDINANCE No. XXXVI OF 1943.

AN

ORDINANCE

to provide for the forfeiture in certain cases not provided for by the Indian Army Act, 1911, of pay and allowances of certain persons subject to that Act.

WHEREAS an emergency has arisen which makes it necessary to provide for the forfeiture in certain cases not provided for by the Indian Army Act, 1911 (VIII of 1911) of pay and allowances of certain persons subject to that Act ;

NOW, THEREFORE, in exercise of the powers conferred by section 72 of the Government of India Act, as set out in the Ninth Schedule to the Government of India Act, 1935 (26 Geo. 5, c. 2), the Governor General is pleased to make and promulgate the following Ordinance :—

1. *Short title and commencement.*—(*1*) This Ordinance may be called the Prisoners of War (Forfeiture of Emoluments) Ordinance, 1943.

(*2*) It shall come into force at once.

2. *Interpretation.*—In this Ordinance, "Indian commissioned officer" means an Indian commissioned officer as defined in clause (*2*) of section 7 of the Indian Army Act, 1911 (VIII of 1911).

3. *Forfeiture of pay and allowances of prisoner of war.*—(*1*) The whole or any part of the pay and allowances of an Indian commissioned officer may be forfeited by order of the Central Government if the officer is found by a military Court of Enquiry constituted under this Ordinance—

(*a*) to have deserted to the enemy, or

(*b*) while in enemy hands, to have served with, or under the orders of, the enemy, or in any manner to have aided the enemy, or

(*c*) to have allowed himself to be taken prisoner by the enemy through want of due precaution, or through disobedience of orders or wilful neglect of duty, or

(*d*) having been taken prisoner by the enemy, to have failed to rejoin His Majesty's service when it was possible to do so.

(*2*) The Central Government may at any time cancel in whole or in part any order made under sub-section (*1*), and any such cancellation may be with retrospective effect.

4. *Courts of Enquiry.*—The Commander-in-Chief of His Majesty's Forces in India or any officer authorised by him in this behalf may constitute a military Court of Enquiry of such composition as the constituting authority thinks fit to enquire into and report to the Central Government on any case of the nature referred to in sub-section (*1*) of section 3.

LINLITHGOW,
iceroy and Governor General.

G. H. SPENCE,
Secy. to the Govt. of India.

DEPARTMENT OF INDUSTRIES & CIVIL SUPPLIES

NOTIFICATION

New Delhi, the 14th October 1943

No. 34-Tex (1)9/43.—In exercise of the powers conferred by sub-rule (2) of rule 81 of the Defence of India Rules, the Central Government is pleased to direct that the following further amendments shall be made in the Cotton Cloth and Yarn (Control) Order, 1943, namely:—

In clause 13 of the said Order,—

(i) for sub-clauses (2) and (3), the following sub-clause shall be substituted, namely:—

"(2) No cloth or yarn so marked shall be kept in unopened bales for more than three months after the date of packing."

(ii) sub-clause (4) shall be re-numbered as sub-clause (3).

H. M. PATEL, Dy. Secy.

PUBLISHED BY THE MANAGER OF PUBLICATIONS, DELHI
PRINTED BY THE MANAGER, GOVERNMENT OF INDIA PRESS, NEW DELHI

The Mysore Subversive Activities Act, 1943.

An Act to provide more effective punishment for certain subversive activities directed against Mysore or His Majesty the King Emperor's naval, military or air forces or His Highness the Maharaja's military forces.

Whereas it is expedient to provide more effective punishment for certain subversive activities directed against Mysore or His Majesty the King Emperor's naval, military or air forces or His Highness the Maharaja's military forces;

Now, therefore, in exercise of the powers conferred by Section 30 of the Government of Mysore Act, 1940 (XVIII of 1940);

It is hereby enacted as follows:--

Short title, extent, application and commencement.

1. (1) This Act may be called the Mysore Subversive Activities Act, 1943.

(2) It extends to the whole of Mysore, and it applies also--

(a) to subjects of His Highness the Maharaja and servants of the Government of His Highness the Maharaja of Mysore in any part of India;

(b) to subjects of His Highness the Maharaja who are domiciled in any part of India wherever they may be; and

(c) in respect of the regulation and discipline of any naval, military or air force raised in Mysore, to members of, and persons attached to, employed with or following, that force, wherever they may be;

(3) It shall come into force at once.

Interpretation.

2. In this Act--

(a) "document" includes gramaphone records, sound tracks, and any other articles on which sounds

have been recorded with a view to their subsequent reproduction.

(b) "Subversive act" means any act which is intended or is likely to cause disaffection among, or to prejudice prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces to fail in the performance of his duties as such, or to render any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces incapable of efficiently performing his duties as such.

For to induce a influence any member of His Majesty the King Emperor Emperor's naval, military or air forces or of His Highness the Maharaja's military forces

(c) "Subversive matter" means any matter, whether expressed in words, spoken or written or in signs or visible representations or in any other manner whatsoever, which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces, or to induce or influence any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces to fail in the performance of his duties as such, or which is an incitement to the commission of a subversive act.

Subversive acts and uttering, and making, publishing, etc., documents containing, subversive matter.

3. Whoever--

(a) does any subversive act, or

(b) without lawful authority or excuse utters, or makes, prints, publishes, distributes or spreads by any means whatsoever any document containing, any subversive matter,

shall be punishable with transportation for life or with

imprisonment for a term which may extend to ten years and shall also be liable to fine.

Possession of documents containing subversive matter.

4. (1) Whoever without lawful authority or excuse has in his possession any document containing any subversive matter shall be punishable with imprisonment for a term which may extend to ten years and shall also be liable to fine.

(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any subversive matter shall, unless he proves that he did not know and had no reason to suspect that the said document contained any subversive matter, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this section.

Enhancement of penalty for certain offences punishable under the Indian Penal Code.

5. Whoever commits an offence punishable under section 121A or section 122 or section 123 or section 131 of the Indian Penal Code (XLV of 1860), as in force in Mysore, may, in lieu of any punishment to which he is liable under the said Code, be punished with death.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE

Order No. R.L.516/ Legis 32-43-1 Dated, Bangalore, 25th Jan 1944

Ordered that the accompanying Mysore Subversive Activities Act 1944

which received the assent of His Highness the Maharaja, on the 12th day of January 1944, be published as Act No. III of 1944, in the *Mysore Gazette*, for general information.

Cno 26-1-44

BOKR 25.1.44

~~General~~ *Secretary to Government.*

Law Department

BOV. 25/1

To

1 The Compiler, *Mysore Gazette*, for publication in Part IV of the Gazette, in English and Kannada and for supply of spare copies in English and Kannada, as per standing orders.

2. Copy to the Translation Section.

Officiating

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

ORDER NO. R.L.516 Legis 32-43-1 Dated, Bangalore, 26th January 1944.

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B.K. Ramachandra Iyengar

Jr Secretary to Government,
Law Department.

To: The Compiler, Mysore Gazette, for publication in Part IV of the Gazette, in English and Kannada, and for supply of spare copies in English and Kannada as per standing orders.

dated 27th Jan 44

Copy to the Translation Section

India;

(b) to subjects of His Highness the Maharaja who are domiciled in any part of India wherever they may be; and

(c) in respect of the regulation and discipline of any military force raised in Mysore to members of, and persons attached to, employed with or following, that force, wherever they may be;

(3) It shall come into force at once.

Interpretation. 2. In this Act--

(a) "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(b) "Subversive act" means any act which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty the King Emperor's naval, military or air forces or of His Highness

the Maharaja's military forces or to induce or influence any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces, to fail in the performance of his duties as such, or to render any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces incapable of efficiently performing his duties as such.

(c) "Subversive matter" means any matter, whether expressed in words, spoken or written or in signs or visible representations or in any other manner whatsoever, which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces, or to induce or influence any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces to fail in the performance of his duties as such, or which is an incitement to the commission of a subversive act.

Subversive acts and uttering and making, publishing, etc., documents containing subversive matter.

3. Whoever--

(a) does any subversive act, or

(b) without lawful authority or excuse utters, or makes, prints, publishes, distributes or spreads by any means whatsoever any document containing any subversive matter, shall be punishable with transportation for life or with imprisonment for a term which may extent to ten years and shall also be liable to fine.

Possession of document containing subversive matter.

4. (a) Whoever without lawful authority or excuse has in his possession any ~~xxxxxx~~ document containing any subversive matter shall be punishable with imprisonment for a term which may extend to ten years and shall also be liable to fine.

(2) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any

document containing any subversive matter shall, unless he proves that he did not know and had no reason to suspect that the said document contained any subversive matter, or that the said document was on such premises with without his knowledge or against his consent, be deemed to have contravened this section.

Enhancement of penalty for certain offences punishable under the Indian Penal Code.

5. Whoever commits an offence punishable under section 121-A or section 122 or section 123 or section 131 of the Indian Penal Code (XLV of 1860), as in force in Mysore, may, in lieu of any punishment to which he is liable under the said Code, be punished with death.

(Sd). N. Madhava Rao
Dewan

NOTIFICATION.

Order No. R. L. 516—*Legis.* 32-43-1, *dated Bangalore, the 26th January* 1944.

Ordered that the accompanying Mysore Subversive Activities Act, 1944, which received the assent of His Highness the Maharaja on the 12th day of January 1944, be published as Act No. III of 1944, in the *Mysore Gazette*, for general information.

C. NARAYANASWAMI NAIDU,
Secretary to Government,
Law Department.

ACT NO. III OF 1944.

THE MYSORE SUBVERSIVE ACTIVITIES ACT, 1944.

An Act to provide more effective punishment for certain subversive activities directed against Mysore or His Majesty the King Emperor's naval, military or air forces or His Highness the Maharaja's military forces.

(*Received the assent of His Highness the Maharaja on the 12th day of January 1944*).

Whereas it is expedient to provide more effective punishment for certain subversive activities directed against Mysore or His Majesty the King Emperor's naval, military or air forces or His Highness the Maharaja's military forces ;

Now, therefore, in exercise of the powers conferred by Section 30 of the Government of Mysore Act, 1940 (XVIII of 1940) ;

It is hereby enacted as follows:—

Short title, extent, application and commencement.

1. (1) This Act may be called the Mysore Subversive Activities Act, 1944.

(2) It extends to the whole of Mysore and it applies also—

(*a*) to subjects of His Highness the Maharaja and servants of the Government of His Highness the Maharaja in any part of India;

(*b*) to subjects of His Highness the Maharaja who are domiciled in any part of India wherever they may be; and

(*c*) in respect of the regulation and discipline of any military force raised in Mysore, to members of, and persons attached to, employed with or following, that force, wherever they may be.

(3) It shall come into force at once.

Interpretation.

2. In this Act—

(*a*) "document" includes gramophone records, sound tracks and any other articles on which sounds have been recorded with a view to their subsequent reproduction.

(*b*) "Subversive act" means any act which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces or to induce or influence any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces, to fail in the performance of his duties as such, or to render any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces incapable of efficiently performing his duties as such.

(*c*) "Subversive matter" means any matter, whether expressed in words, spoken or written or in signs or visible representations or in any other manner whatsoever, which is intended or is likely to cause disaffection among, or to prejudice, prevent or interfere with the discipline, health or training of, or the performance of their duties by, members of his Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's

military forces, or to induce or influence any member of His Majesty the King Emperor's naval, military or air forces or of His Highness the Maharaja's military forces to fail in the performance of his duties as such, or which is an incitement to the commission of a subversive act.

Subversive acts and uttering, and making, publishing, etc., documents containing subversive matter.

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(*b*) Any person who, without lawful authority or excuse, has on any premises in his occupation or under his control any document containing any subversive matter shall, unless he proves that he did not know and had no reason to suspect that the said document contained any subversive matter, or that the said document was on such premises without his knowledge or against his consent, be deemed to have contravened this section.

Enhancement of penalty for certain offences punishable under the Indian Pena Code.

5. Whoever commits an offence punishable under section 121-A or section 122 or section 123 or section 131 of the Indian Penal Code (XLV of 1860), as in force in Mysore, may, in lieu of any punishment to which he is liable under the said Code, be punished with death.

N. MADHAVA RAU,

Dewan.

Price Re. 0-0-9.

Printed by the Superintendent at the Government Press, Bangalore.

No. Pol 2040 Encl 2 copies.
D. 29th March 1944

Draft

To

The Secretary to the Hon'ble
the Resident in Mysore.

Sir,

Subject: The Mysore Subversive Activities Act, 1944.

With reference to your letter No.F.79(4)-42/W. dated the 4th November 1943, on the above subject, I am directed to state that as desired by His Excellency the Crown Representative, ~~xxx~~ the Mysore Subversive Activities Act, 1944, has been promulgated in Mysore and to ~~xxxxxxx~~ forward herewith 2 copies of the said Act.

I have, etc.,

For Secretary to Govt.,
Law Department.